

**REMARKS**

This application has been carefully reviewed in light of the Office Action mailed February 7, 2006 ("Office Action"). Claims 1-51 are pending in the Office Action. Claims 1-9, 13, 15-17, 21, 23, 24, 27-38, 40-44 and 46-51 stand rejected in the Office Action. Claims 10-12, 14, 18-20, 22, 25, 26, 39 and 45 are objected to in the Office Action. Applicants respectfully request reconsideration and favorable action of all pending claims in view of the following remarks.

**Section 103 Rejections**

The Office Action states that since the application names joint inventors, Applicant is obligated under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made.

Claims 1, 2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,577,862 over Davidson et al. ("*Davidson*") in view of U.S. Patent No. 4,689,506 to Pace et al. ("*Pace*"). Claims 8, 15, 16, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Davidson* in view of *Pace* in view of U.S. Patent No. 6,385,195 to Sicher et al. ("*Sicher*"). Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Davidson* in view of *Pace* in view of U.S. Patent Pub. No. 2003/0063578 to Weaver ("*Weaver*"). Claims 9, 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Davidson* in view of *Pace* in view of U.S. Patent No. 5,933,495 to Oh ("*Oh*"). Claims 27, 28, 29, 31, 34-38, 41, 43, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. No. 2003/0078767 to Nayak ("*Nayak*") in view of US Patent No. 5,995,607 to Beyda et al. ("*Beyda*"). Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of U.S. Patent No. 6,745,055 to Iyengar et al. ("*Iyengar*"). Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Iyengar* and in view of *Beyda*. Claims 30, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Beyda* and further in view of *Iyengar*. Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Iyengar* and in view of *Sicher*. Claims 32, 40, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nayak* in view of *Beyda* and further in view of *Sicher*. Applicants respectfully traverse.

**Claims 1-26 Are Allowable:**

Claim 1 of Applicants' invention recites "receiving a notice of transmitted noise; and in response to the notice, granting priority to an outgoing signal over the transmitted noise." The Office Action admits that *Davidson* does not teach this limitation and instead relies on *Pace*, however this reliance is misplaced. The citation relied on from *Pace* merely discusses the half-duplex mode of operation in speakerphones, which is also discussed in Applicants' specification. The passage from *Pace* does not teach "in response to the notice [of transmitted noise], granting priority to an outgoing signal over the transmitted noise" (emphasis added). Rather, *Pace* teaches either attenuating the transmit signal path of the speakerphone or attenuating the receive signal path of the speakerphone in response to a control signal. This is done where "transmission and reception of speech audio signals is not permitted simultaneously." Even if this operation can be characterized as giving one signal priority over the other, which Applicants do not concede, priority would be given to the transmit signal over the receive signal, or vice versa. *Pace* does not teach giving priority to the outgoing signal over transmitted noise. No where does *Pace* teach "granting priority to an outgoing signal over the transmitted noise" as recited by Applicants' Claim 1.

Furthermore, although the Office Action states that *Davidson* teaches transmitted noise, in no way does *Davidson* suggest "granting priority to an outgoing signal over the transmitted noise." The Office Action states that it would have been obvious to modify *Davidson* to include the teachings of *Pace* because "the automatic control of attenuator circuits is frequently required in the design of telephones and other audio products." However, *Davidson* contains no teaching of attenuation or attenuation circuits, nor does the Office Action specify where attenuation is suggested to be combined with *Davidson*, as is required. In addition, no where does the Office Action specify where *Davidson* or *Pace* suggest combining "transmitted noise" with "granting priority to an outgoing signal over the transmitted noise", as is required. For at least this reason, Claim 1 is allowable as are the claims that depend therefrom. For similar reasons, Claims 9, 15, and 23 are allowable, as are the claims that depend therefrom.

Should a rejection based on any of the above asserted rejections be maintained, Applicants respectfully request appropriate evidentiary support. Additionally, if the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicants request that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an

“Official Notice” or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

**Claims 27-47 Are Allowable:**

Claim 27 of Applicants' invention recites “receiving a status signal at the device indicating that the phone is operating as a speakerphone; and in response to the status signal, suppressing transmission of any comfort noise to the phone.” The Office Action concedes that *Nayak* does not teach this limitation and instead relies on *Beyda*. The Office Action states that it would have been obvious to modify the teachings of *Nayak* to include *Beyda* because

the inherent characteristics of a speaker-phone call introduce more ambient noise into a call connection than a call in which the caller utilizes a telephone handset. Although an Internet telephony call provides a sufficient quality of service for a handset call, the additional ambient noise introduced in a speaker-phone call degrades the voice transmission to an unacceptable extent.

However, the Office Action cites no basis for these assertions, either in *Nayak* or *Beyda*, as is required. In fact, *Nayak* contains no reference or suggestion to a speakerphone, or to a status signal at the device indicating the phone is operating as a speakerphone, as recited by Claim 27. In addition, *Beyda* contains no reference or suggestion to suppressing the transmission of comfort noise, as recited by Claim 27. For at least this reason, Claim 27 is allowable, as are the claims that depend therefrom. For similar reasons, Claim 35 is allowable, as are the claims that depend therefrom. For similar reasons, Claim 41 is allowable as are the claims that depend therefrom.

Should a rejection based on any of the above asserted rejections be maintained, Applicants respectfully request appropriate evidentiary support. Additionally, if the Examiner is relying upon “common knowledge” or “well known” principles to establish the rejection, Applicants request that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an “Official Notice” or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

**Claims 48-51 Are Allowable:**

Claim 48 recites “a means for sending a status signal to the device indicating that the phone is in half-duplex mode; and a means for inserting, in response to the status signal, a silent signal into a signal transmitted by the device to the phone.” The Office Action relies on the combination of *Iyengar* and *Nayak* to teach this limitation; however, this reliance is misplaced. Neither *Nayak* nor *Iyengar*, nor their combination teach “a means for inserting, in response to the status signal, a silent signal into a signal transmitted by the device to the phone.” The Office Action cites to *Nayak* (page 6, section 0137, at step 112) as teaching this limitation, stating “near end speech activity, i.e., that portion of speech or voice data at the front end or beginning of the voice/speak data, is determined.” However, as shown in the quotation, this passage of *Nayak* teaches detecting near-end speech activity, and simply does not teach inserting a silent signal into the signal transmitted to the phone, as recited by Claim 1. For at least this reason, Claim 48 is allowable, as are the claims that depend therefrom.

**Allowable Subject Matter**

The Office Action states that Claims 10-12, 14, 18-20, 22, 25, 26, 39 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Pursuant to the above arguments, Applicants respectfully submit that these claims are already in a condition for allowance and favorable action is requested.

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**CONCLUSION**

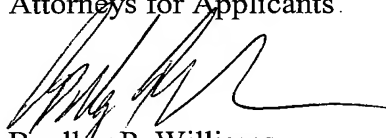
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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